

Serial No.: 09/843,170

Attorney's Docket No.:10559/366001/P10172

REMARKS

Claims 1-22 are pending, with claims 1, 10, 14, 17 and 20 being independent. Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-3, 5-13 and 20 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Larson et al. (US 2003/0069848). Claims 4, 14-19, 21 and 22 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Larson in view of Or et al. (US 2002/0067742). Claims 1-22 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Ballard et al. (US 2002/0059457) in view of Or. These contentions have been obviated by the previously submitted declaration of Applicant, Thue M. Pontoppidan, the attached declaration by Applicant, Esben Carlsen, and the submitted evidence.

The declarations establish a prima facie showing of conception at least as early as July 5, 2000. Furthermore, the declarations establish a prima facie showing of diligence beginning at least as early as July 5, 2000 and also continued diligence until the invention was reduced to practice. Statement 2 of both declarations includes the following: "At least as early as July 5, 2000, we conceived of and proceeded to diligently reduce to practice the invention claimed in the above-referenced patent application." This showing is

Serial No.: 09/843,170

Attorney's Docket No.: 10559/366001/P10172

sufficient to establish conception and commencement of diligence at least as early as July 5, 2000, and continued diligence until reduction to practice.

The evidence submitted in support of this showing includes the previously submitted written invention disclosure (Exhibit 1) and the attached evidence (Exhibits 2-14). The previously submitted written invention disclosure establishes conception and commencement of diligence. The attached evidence includes the conflict check run by Fish & Richardson P.C. after receipt of the invention disclosure from Intel Corporation, which approved the invention disclosure for patent filing after an internal review. The attached evidence also includes correspondence between the drafting attorney and the lead inventor, and shows that work continued diligently up until constructive reduction to practice of the invention by filing of the present application on April 26, 2001.

This showing establishes the possession of the claimed subject matter prior to the filing date of U.S. Publication No. 2003/0069848 (Larson) from the U.S. Application No. 09/828,702, and prior to the filing of U.S. Publication No. 2002/0067742 (Or) from the U.S. Application No. 09/729,234, and prior to the earliest priority date of U.S. Publication No. 2002/0059457 (Ballard) from the U.S. Application No. 09/899,648. The declarations by Applicants and the attached Exhibits 2-14

Serial No.: 09/843,170

Attorney's Docket No.:10559/366001/P10172

provide a prima facie showing that, the subject matter in claims 1-22 was conceived prior to, and diligence commenced prior to July 6, 2000, the earliest priority date of the cited U.S. Publications 2003/0069848 (Larson), 2002/0067742 (Or), and 2002/0059457 (Ballard), and that diligence continued until the invention was constructively reduced to practice on April 26, 2001.

Based on the above, we respectfully submit that the cited U.S. Publications 2003/0069848 (Larson), 2002/0067742 (Or), and 2002/0059457 (Ballard) are no longer effective references under 35 USC 102(e) or 103(a). Therefore, the rejections based on the cited U.S. Publications 2003/0069848 (Larson), 2002/0067742 (Or), and 2002/0059457 (Ballard) should be withdrawn.

Accordingly, claims 1-22 under consideration are patentable and are now in full condition for allowance.

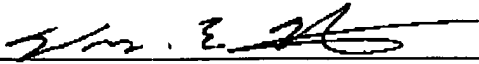
In view of the submissions and remarks presented, all of the claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

Serial No.: 09/843,170

Attorney's Docket No.: 10559/366001/P10172

Please apply the \$1020.00 Three Month Petition for
Extension of Time fee, and any other necessary charges or
credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: September 8, 2005
William E. Hunter

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